

Members of the Judiciary Committee,

Thank you for taking up HB 5600 in your committee this week, and acknowledging the importance of changing our juvenile set-aside laws. I support the changes to the law found in HB 5600, and urge all of you to do the same. Specifically,

1. The ability to set aside juvenile offenses related to more than 1 disposition.
2. The ability to set aside multiple juvenile offenses related to a single disposition if no subsequent offenses have been committed. **These kids are our best examples of a juvenile justice system that works.**
3. Removal of the use of adult sentencing guidelines to restrict eligibility for set-aside of a juvenile offense.

While I support the Holmes Youthful Training Act, this act allows young adults aged 17 – 20 convicted in adult court, even for multiple felony offenses to not have a criminal record. Ironically, younger, less-culpable juvenile offenders adjudicated in juvenile court for the very same offenses do have a public criminal record. This is unjust. Further, years ago when these laws were created, I'm sure legislators never imagined what the world would do with such information, and how greatly harmful it would become—even to a juvenile offender.

In 1974, Congress adopted the Juvenile Justice and Delinquency Prevention Act. **"The purpose of the Act is to remove juveniles from the ordinary criminal process in order to avoid the stigma of a prior criminal conviction and to encourage treatment and rehabilitation."**¹ Yet, these juvenile offenders become adults and struggle to go to college, find a job and housing, and to dodge the stigma of their juvenile criminal record—even though they've gone on to be law abiding citizens that deserve the opportunity to go before the court to prove that, and to be free of the lifelong burdens and stigma of a juvenile offense.

Lastly, as an 18 year juvenile advocate, I want to leave you with two events I experienced in the past 6 weeks. The first involved a young man that is 29 years old. He was adjudicated of an offense at age 12. He's married, has 3 children, lives in government subsidized housing, has a part time job, recently completed his associate degree, and has had no subsequent offense of any kind—not even a traffic ticket! He works hard to keep his head above water. About 8 weeks ago he applied to a university here in Michigan to continue his education. Answering truthfully on the application, he admitted that he had a juvenile offense on his record. He was denied admission specifically because of it. After calling me, I assisted him in appealing the decision and obtaining a hearing which I accompanied him to. He was asked to provide documents regarding his offense which he did not have—after all he was only 12 years old then, and it was now 17 years later. At what point does this young man get to put his juvenile offense behind him? This is not healthy; not for him, or society.

The second event occurred 2 weeks ago. I received a phone call from a young man that had a juvenile offense in Michigan also at age 12, but was now living in Florida. I had been assisting him with some things in Florida, and thought he was calling for this reason. Instead, this 26 years old man was crying, and told me I no longer would need to help him because he was about to kill himself. He was tired of being judged by his record when applying for jobs, and felt worthless because he could not support his family. This young man has suffered a number of injustices in his adult life because of his juvenile offense. His life epitomizes why greater sensitivity is needed towards those adjudicated as a juvenile, and why Michigan's set-aside law needs to change.

I thank Rep. Haveman for his courage and integrity in introducing HB 5600. Again, I urge you to support it.

Sharon Denniston, Juvenile Advocate

P.S. I hope I never have to receive another phone call like that again. The young man later confided that the reason he'd called **me** was because I was one of the few people that understood the injustices he faces.

¹ Criminal Resource Manual 116 - Juvenile delinquency prosecution -- introduction http://www.usdoj.gov/usao/eousa/foia_reading_room/usam/title9/crm00116.htm

Why Changes Are Needed to PROBATE CODE OF 1939, Act 288 of 1939, 712A.18e – Juvenile Set-Aside Law

What we know about juveniles and the justice system:	Supporting Information:
The juvenile justice system is a rehabilitative system.	<p>"In 1974, Congress adopted the Juvenile Justice and Delinquency Prevention Act... The purpose of the Act is to remove juveniles from the ordinary criminal process in order to avoid the stigma of a prior criminal conviction and to encourage treatment and rehabilitation."</p> <p>Criminal Resource Manual 116 - Juvenile delinquency prosecution -- introduction http://www.usdoj.gov/usao/eousa/foia_reading_room/usam/title9/crm00116.htm</p>
The brains of juveniles are not fully developed until their mid-20s.	<p>"The scientific study of adolescent development has burgeoned in the past two decades, but its findings have not yet influenced juvenile justice policy nearly as much as they should." p. 4</p> <p>Scott, Elizabeth S. and Laurence Steinberg. <i>The Future of Children: Juvenile Justice Issue. Introducing the Issue and Adolescent Development and the Regulation of Youth Crime.</i> Princeton University and the Brookings Institution. Vol. 18, Number 2, Fall 2008. http://www.modelsforchange.net/publications/177_9Sept_2010.</p> <p>See also, "Less Guilty by Reason of Adolescence," MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice, http://www.adjj.org/downloads/6093issue_brief_3.pdf</p>
The nature of juvenile offense is very different than offenses committed by adults.	<p>This is especially true of what are often misperceived as the worst offenses – sexual offenses. See. "What Research Shows About Adolescent Sex Offenders," U.S. Department of Justice, https://www.ncjrs.gov/App/publications/Abstract.aspx?id=234677 or http://ncsby.org/What%20Research%20Shows%20About%20Adolescent%20Sex%20Offenders%20060404.pdf</p>

Reasons why our juvenile set-aside law should allow more juveniles to have their criminal record set-aside:	Supporting Information:
The juvenile justice system is a rehabilitative system.	See above.
The brains of juveniles are not fully developed until their mid-20s.	See above.
The nature of juvenile offenses is very different than offenses committed by adults.	See above.
Inequities in our juvenile law as compared to adult laws exist.	Older youth and young adults sentenced in adult court under MI's Holmes Youthful Training Act have no criminal record (even for multiple counts), while less culpable juveniles adjudicated in juvenile court (even for the same offenses), have a public criminal record. This is illogical and the juvenile law needs to change. (The list of offenses for which HYTA could be assigned was even greater prior to Oct. 2004 allowing more young adults to not have a criminal record, while adjudicated juveniles did, and still do. For example, Illinois law, Massachusetts law
Juveniles that are not required to register on the Sex Offender Registry in Michigan are still impacted by registration in some states sheerly because they have an offense on their record, yet are not at risk to reoffend.	
Impacts of Criminal Record:	
Adversely impacts the ability to obtain higher education	Experiential information from adjudicated juveniles.
Adversely impacts the ability to get a job because background checks show Michigan's juvenile criminal records	
Adversely impacts the ability to get housing because background checks are done	
Increased dependency on public assistance when individuals are unable to get a job	
Increased need for mental health services when coping with public stigma (ex. suicide, depression, anxiety, or addiction)	

Reasons given as to why someone may want a juvenile to have a criminal record:	Issues with these reasons:
As an indication of a person's risk to commit further offense	<p>The likelihood of an individual committing further criminal behavior is more accurately determined by factors <i>unrelated</i> to a specific statutory offense. These factors vary greatly from one individual to another, and urge thoughtful case-by-case review for juveniles</p> <ul style="list-style-type: none"> • Physical, Social, and Emotional Development • Years since last offense • Psychological Assessments • "Protective" Factors that reduce risk (family, community, education, work/volunteerism, organizational/social involvement, etc.)
Retribution	Retribution is not a goal of the Juvenile Justice System; treatment and rehabilitation are.
For historical purposes	<p>When a record is set-aside, the Michigan State Police still maintain a record of the offense for law enforcement and court purposes only.</p> <p>In addition, the juvenile justice system is intended to avoid the stigma of a prior criminal conviction.</p>